

(1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47 may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

With the instant petition, attorney Andrea L. Colby has set forth the steps taken to secure joint inventor Guise's signature on the supplemental declaration. According to Colby, she learned that Guise had left her employer, Johnson & Johnson France. Copies of the supplemental declarations were forwarded to Guise's new business address as well as her home address. However, no response was ever received.

In order for a petition under 37 CFR 1.183 to be granted, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

The supplemental reissue declaration was required to be signed by joint inventors Mahe, Joetzjer, and Guise. However, only Mahe and Joetzjer executed the declaration. Petitioner has demonstrated that a *bona fide* effort was made to secure Guise's signature on the supplemental declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

The \$420 fee for a two month extension of time, necessary to make the petition timely, has been charged to Deposit Account No. 10-0750, as authorized. In addition, the petition fee of \$130 has also been charged to petitioner's deposit account.

The newly executed declaration filed on October 14, 2003 will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.

The application file is being forwarded to Technology Center 1600 for preparation of a Notice of Allowance and Notice of Allowability.

Telephone inquiries related to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

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